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14 *Counsel for Plaintiff State of Arizona*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 State of Arizona, *ex rel.* Kristin K. Mayes,
14 Attorney General, *et al.*,
15 Plaintiffs,
16 v.
17 Michael D. Lansky, L.L.C., dba Avid
18 Telecom, *et al.*,
19 Defendants.

Case No.: 4:23-cv-00233-CKJ

(Assigned to the Hon. Cindy K. Jorgenson)

**DECLARATION OF SARAH
PELTON IN SUPPORT OF THE
PLAINTIFFS' REPLY BRIEF ON
DISCOVERY DISPUTES**

20
21 1. I am an Assistant Attorney General in the Civil Litigation Division at the
22 Arizona Attorney General's Office, and counsel of record for Plaintiffs. I have personal
23 knowledge of the facts set forth herein. If called as a witness, I could and would
24 competently testify to the matters stated herein.

25 2. I submit this declaration in support of the Plaintiffs' Responsive Brief on
26 Discovery Disputes.

27 3. On or about May 7, 2025, defense counsel Neil Ende emailed Plaintiffs that
28 counsel Greg Taylor "is in the hospital for the rest of the week and, potentially the beginning

1 of next week”. Attached hereto as **Exhibit SS** is a true and correct copy of defense counsel’s
2 May 7, 2025 email.

3 4. On or about May 19, 2025, defense counsel Greg Taylor emailed Plaintiffs
4 that he had recently been discharged from the hospital, asking for a “few days to help clear
5 the backlog.” Attached hereto as **Exhibit TT** is a true and correct copy of defense counsel’s
6 May 19, 2025 email.

7 5. On or about July 11, 2025, defense counsel Greg Taylor emailed Plaintiffs
8 regarding Defendant Reeves’s and Defendant Avid Telecom’s omitted Responses, noting “Mr.
9 Ende has not been in the office this [week] and I do not have access to his files as necessary to
10 confirm what was sent and to resend if necessary.” Attached hereto as **Exhibit UU** is a true
11 and correct copy of defense counsel’s July 11, 2025 email.

12 6. On or about July 24, 2025, defense counsel emailed Plaintiffs noting Defendants
13 “plan to upload another batch of (non-privileged) documents next week following our review.”
14 Attached hereto as **Exhibit VV** is a true and correct copy of defense counsel’s July 24, 2025
15 email.

16 7. Defendants did not produce any documents during the week of September 8,
17 2025, contrary to what was promised in their Responsive Brief. On September 15, 2025,
18 Plaintiffs received a document production from Defendant Lansky. Plaintiffs have still not
19 received any document production from Defendant Avid Telecom.
20

21 I declare under penalty of perjury that the foregoing is true and correct.
22

23 Executed on September 15, 2025 at Phoenix, Arizona.
24

25
26 /s/ Sarah Pelton
27 Sarah Pelton (AZ State Bar No. 039633)
28 Counsel for Plaintiff State of Arizona

CERTIFICATE OF SERVICE

Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 5(a), I hereby certify that on September 15, 2025, a true and correct copy of the above and foregoing document has been served using the CM/ECF system to all counsel and parties of record.

/s/ Belen O. Miranda

Exhibit SS

Pelton, Sarah

From: Neil Ende <nende@tlgdc.com>
Sent: Wednesday, May 7, 2025 7:16 AM
To: Erin Leahy
Subject: Meet and Confer

Just a heads up that Greg is in the hospital for the rest of this week and, potentially the beginning of next week, so, we would like to schedule the meeting confer for the week after next. I am in a bit of cover/catch-up mode while he is out of action.

He is OK, but we all had a bit of a scare.

Please let us know what days work best for you and your team.

Thx!

(I am sending this email voice to text while I am on the road, so, please forgive the fact that it is only being sent to you).

Neil S. Ende
Managing Partner
Technology Law Group
202.256.0120
TLG Conference Bridge:
703.229.6741, PIN: 854#

Sent from my iPhone

Exhibit TT

Pelton, Sarah

From: Greg Taylor <gtaylor@tlgdc.com>
Sent: Monday, May 19, 2025 10:47 AM
To: Erin Leahy; Neil Ende
Cc: Tracy Nayer; Meislik, Alyse; Swetnam Douglas; Jones, Dylan; Dilweg, Laura; Singer Nelson Michel; Pelton, Sarah; Sparko Rochelle; Martindale Thomas
Subject: Re: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Erin:

I have recently discharged from an unplanned and extended stay at the hospital. I am home now and trying to catch up from being OOO for so long. Please give me a few days to help clear the backlog.

Best,
gt

From: Erin Leahy <erin.leahy@OhioAGO.gov>
Date: Monday, April 28, 2025 at 12:26 PM
To: Neil Ende <nende@tlgdc.com>
Cc: Tracy Nayer <Tnayer@ncdoj.gov>, "alyse.meislik@azag.gov" <alyse.meislik@azag.gov>, Swetnam Douglas <douglas.swetnam@atg.in.gov>, Jones Dylan <Dylan.Jones@azag.gov>, Dilweg Laura <Laura.Dilweg@azag.gov>, Singer Nelson Michel <michel.singernelson@coag.gov>, Pelton Sarah <Sarah.Pelton@azag.gov>, Sparko Rochelle <rsparko@ncdoj.gov>, Martindale Thomas <Thomas.Martindale@atg.in.gov>, Greg Taylor <gtaylor@tlgdc.com>
Subject: RE: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom

Hi Neil and Greg,

We wanted to follow up with you to see if you had any revisions to the draft ESI protocol circulated to you on Tuesday, April 15th. I am attaching it again. If it is acceptable to you, we can get it filed by submitting it for the Court's review with an unopposed motion similar to the one filed for the entry of the protective order.

Please let us know if this version is acceptable to you, if you have revisions or would like to set up a call to discuss.

Thanks, Erin

From: Erin Leahy
Sent: Tuesday, April 15, 2025 5:04 PM
To: Neil Ende <nende@tlgdc.com>
Cc: Tracy Nayer <Tnayer@ncdoj.gov>; alyse.meislik@azag.gov; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Jones Dylan <Dylan.Jones@azag.gov>; Dilweg Laura <Laura.Dilweg@azag.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Pelton Sarah <Sarah.Pelton@azag.gov>; Sparko Rochelle <rsparko@ncdoj.gov>; Martindale Thomas <Thomas.Martindale@atg.in.gov>; Greg Taylor <gtaylor@tlgdc.com>
Subject: AZ v Avid Telecom et al. - Plaintiffs' First Request for Production to Avid Telecom
Importance: High

Hi Neil:

It seems that you are raising a concern that is not currently at issue. Defendants' Requests for Admission were not directed to each of the 49 Plaintiffs. The Requests for Admission were directed to the four Lead Plaintiff States and to the eleven States that brought state law claims.

The purpose of our request for an agenda as to nature of your disputes is to ensure that we are prepared to have a meaningful discussion. It is unclear why you would not want us to be prepared to discuss and respond to your concerns as that is the point of a meet and confer. As you are requesting a meeting with at least 13 attorneys, it would certainly be the best use of time for everyone to be prepared to discuss the nature of the disputes. For these reasons, we ask that you, at a minimum, identify the specific requests you want to address during any meeting. We can certainly listen to your concerns on the call and respond if we are able. However, without some notice as to the nature of the disputes, it may be likely that we would need to set another call to fully respond to your concerns after we've had a chance to review the specific requests at issue and discuss with the respective Plaintiffs. Please let us know how you'd like to proceed.

I am attaching a draft of a Stipulated Protocol for ESI and Hard Copy documents. Please let us know if you'd like to set up a call to discuss.

Thank you, Erin



Erin B. Leahy
Senior Assistant Attorney General
Consumer Protection Section
Office of Ohio Attorney General Dave Yost
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Office number: 614-752-4730
Erin.Leahy@OhioAGO.gov

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From: Neil Ende <nende@tlgdc.com>

Sent: Monday, April 14, 2025 11:49 AM

To: Erin Leahy <erin.leahy@OhioAGO.gov>

Cc: Tracy Nayer <Tnayer@ncdoj.gov>; alyse.meislik@azag.gov; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Jones Dylan <Dylan.Jones@azag.gov>; Dilweg Laura <Laura.Dilweg@azag.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Pelton Sarah <Sarah.Pelton@azag.gov>; Sparko Rochelle <rsparko@ncdoj.gov>; Martindale Thomas <Thomas.Martindale@atg.in.gov>; Greg Taylor <gtaylor@tlgdc.com>

Subject: Re: Plaintiffs' First Request for Production to Avid Telecom

Erin:

Thank you for your email and for agreeing to have an authorized representative of each of the 12 individual state Plaintiffs present at the meet and confer. Upon further consideration, however, we believe that we need to have an authorized representative of **each** of the 50 Plaintiffs present at the meet and confer as well as at all future meetings regarding discovery issues. Indeed, as you certainly understand, by signing the complaint, a representative of each of

the Plaintiffs—not just the leadership team—has personally represented that he/she has conducted a good faith review of the complaint and that each allegation of fact and each claim at law— both federal and state—is well founded. Moreover, as the Requests for Admission were directed to each of the Plaintiffs—not just certain Plaintiffs or to the leadership team—we have the absolute right to inquire directly of each of them as to their personal knowledge of the state-specific facts allegedly supporting the complaint as well as their discovery responses, of which only each state-specific representative has the required personal knowledge. ***Thus, to be clear, the request by the non-leadership team states that we deal only with the leadership team is rejected.***

Please reach out directly to a representative of each state to confirm their availability (or let us know if you would prefer that we do so). If any state is not prepared to participate fully in the discovery process and defend its federal and state claims on an individual basis, it is welcome to withdraw. (or we will request that the complaint be dismissed with prejudice as to that state, e.g., for failure to prosecute). However, as long as each state is a signatory to the complaint, it must defend its claims as well as its discovery responses to all state and federal claims on an individual basis.

It is our intention to take this matter to the judge if we cannot reach agreement with each of the states. Please note that our insistence on interacting directly with each state, for now, relates only to discovery matters; we are willing to work with the leadership team on other generic pleading/legal issues.

We are not comfortable sending our topics of inquiry in advance and we do not believe that we are required to do so. We will make those inquiries, as we deem appropriate, on a state-by-state basis, at the meet and confer conference.

Neil S. Ende
Managing Partner
Technology Law Group
202.256.0120
TLG Conference Bridge:
703.229.6741, PIN: 854#

Sent from my iPhone

On Apr 11, 2025, at 1:17 PM, Erin Leahy <erin.leahy@ohioago.gov> wrote:

Hi Neil,

We will agree to extensions to April 30 for responses from all three defendants. If you require additional time beyond these extensions, we ask you to seek intervention of the Court based on the narratives Greg has provided to us as to why you require additional time to respond to Plaintiffs' outstanding discovery requests. As to your confusion on the receipt of the discovery demands for Avid described in Greg's emails, moving forward, let's all agree that email correspondence will lead with the following in the subject line: "**AZ v. Avid Telecom**". Additionally, *all* counsel of record for the lead plaintiff states should be included in all emails, not just Tracy and me.

Further, if Greg would like us to continue to correspond with him directly, he will need to file his pro hac in this matter so that he is recognized as counsel of record and receives the ECF notifications.

We have been working on an ESI protocol. We will send it later today or by Monday/Tuesday next week at the latest.

We have shared with the State Claims States your request to have a meet-and-confer that includes counsel for the State Claims States in addition to the Leadership team. We have also kept the State Claims States apprised of all of our dealings with counsel in this matter. For this reason and others, the State Claims States would prefer for you to continue to deal with the Leadership team exclusively on this matter. Nevertheless, if necessary, they are willing to join a call with you and the Lead states. However, we must insist that you provide a detailed agenda in advance as to the nature of the disputes at issue so that we may be prepared to discuss. This will ensure the meeting is as productive as possible. Please let us know when you will provide an agenda and we will send you dates/times of availability.

Have a good weekend.

Thanks, Erin

<image001.png> Erin B. Leahy
Senior Assistant Attorney General
Consumer Protection Section
Office of Ohio Attorney General Dave Yost
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Office number: 614-752-4730
Erin.Leahy@OhioAGO.gov

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From: Neil Ende <nende@tlgdc.com>
Sent: Friday, April 11, 2025 11:00 AM
To: Erin Leahy <erin.leahy@OhioAGO.gov>; Nayer, Tracy <Tnayer@ncdoj.gov>
Cc: Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (<douglas.swetnam@atg.in.gov>); Dylan Jones (AZ AG) (<Dylan.Jones@azag.gov>); Laura Dilweg (AZ AG) (<Laura.Dilweg@azag.gov>); Michel Singer Nelson (CO AG) (<michel.singernelson@coag.gov>); Sarah Pelton (AZ AG) (<Sarah.Pelton@azag.gov>); Sparko, Rochelle <rsparko@NCDNJ.GOV>; Thomas Martindale (IN AG) (<Thomas.Martindale@atg.in.gov>); Greg Taylor <gtaylor@tlgdc.com>
Subject: Re: RE: Plaintiffs' First Request for Production to Avid Telecom

We will respond to your outstanding requests to all three defendants by April 30 on the assumption that we have an ESI agreement in place by then that makes it possible for both sides to respond.

Given the number of players on your side, I suggest that you determine several common dates of availability and provide them to me rather than my picking dates essentially at random. Agreed?

Neil S. Ende, Esq.
Managing Partner
Technology Law Group, LLC
nende@tlgdc.com
202-895-1707 (Office)
202-256-0120 (Mobile)
703-229-6741 PIN 854# (Voice Conference Bridge)

From: Erin Leahy <erin.leahy@OhioAGO.gov>
Date: Friday, April 4, 2025 at 3:04 PM
To: Neil Ende <nende@tlgdc.com>, Nayer, Tracy <Tnayer@ncdoj.gov>
Cc: Alyse.Meislik@azag.gov <Alyse.Meislik@azag.gov>, Douglas Swetnam (IN AG) (<douglas.swetnam@atg.in.gov> <douglas.swetnam@atg.in.gov>), Dylan Jones (AZ AG) (<Dylan.Jones@azag.gov> <Dylan.Jones@azag.gov>), Laura Dilweg (AZ AG) (<Laura.Dilweg@azag.gov> <Laura.Dilweg@azag.gov>), Michel Singer Nelson (CO AG) (<michel.singernelson@coag.gov> <michel.singernelson@coag.gov>), Sarah Pelton (AZ AG) (<Sarah.Pelton@azag.gov> <Sarah.Pelton@azag.gov>), Sparko, Rochelle <rsparko@NCDOJ.GOV>, Thomas Martindale (IN AG) (<Thomas.Martindale@atg.in.gov> <Thomas.Martindale@atg.in.gov>), Greg Taylor <gtaylor@tlgdc.com>
Subject: RE: Plaintiffs' First Request for Production to Avid Telecom

Hi Neil,

As indicated in the attached previous email, Plaintiffs would like to get an ESI agreement in place prior to producing the remaining production so that we have agreement on the specifics of the production. The CDRs records alone are 7 terabytes. We have been working on a draft and plan to get that to you next week.

Regarding your request for a meet and confer as to our responses to the Requests for Admission, we are happy to coordinate a call and will ensure that a representative from each of the states with state law claims is available to discuss issues of law and fact, as well as the other states you mentioned to discuss the federal claims. Would you like to propose some dates and times that will work for you? Given the number of participants that may be involved, it would be best to provide a handful of date/time options and likely in the afternoon since we have some folks in other time zones. We have a group of states that meet weekly for this case on Tuesdays at 2pmET. The standing group does not include all the states with state law claims, but it may be a good day/time option since it is already reserved on many of our calendars.

Additionally, in light of our need to get the ESI agreement in place for the production of documents, we will consent to the requested extension (to April 30) to respond to Plaintiffs' First Set of Requests for Production to Avid Telecom. If possible, we would appreciate it if you are able to at least provide the written responses by April 11.

Sincerely,

<image001.png> Erin B. Leahy
Senior Assistant Attorney General
Consumer Protection Section
Office of Ohio Attorney General Dave Yost
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Office number: 614-752-4730

Fax number: 866-768-2648

Erin.Leahy@OhioAGO.gov

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From: Neil Ende <nende@tlgdc.com>

Sent: Wednesday, April 2, 2025 11:23 AM

To: Nayer, Tracy <Tnayer@ncdoj.gov>

Cc: Alyse.Meislik@azag.gov; Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) <douglas.swetnam@atg.in.gov>; Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) <Dylan.Jones@azag.gov>; Erin Leahy <erin.leahy@OhioAGO.gov>; Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) <Laura.Dilweg@azag.gov>; Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) <michel.singernelson@coag.gov>; Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) <Sarah.Pelton@azag.gov>; Sparko, Rochelle <rsparko@NCDOJ.GOV>; Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov) <Thomas.Martindale@atg.in.gov>; Greg Taylor <gtaylor@tlgdc.com>

Subject: Re: Plaintiffs' First Request for Production to Avid Telecom

Importance: High

Tracy:

Good morning!

Thank you for your email and the offer of a short extension of time.

Given the extraordinary (we'll leave it as that for now) scope of your requests (hundreds of requests, many with large numbers of subparts) and the very limited economic and personnel resources available to our clients, we will not be able to respond by April 11. We will need *at least* the 30-day extension that we requested.

Please advise if you will consent or whether we need to seek relief from the Court.

Do you have an update of the AG's incomplete responses to our first requests? We would like to receive full production/responses ASAP and we want to set a time shortly thereafter for a meet and confer call. We are particularly interested in discussion as number of very concerning responses we received to our Requests for Admission. To be clear, at a minimum, we need to have an AG-representative on that meet and confer call that works directly for each of the (12) individual state Plaintiffs to address state law fact/law issues, as well as an AG-representative of the following states to address the facts/legal issues

relevant to the federal claims: Arizona, Colorado Indiana, North Carolina and Ohio. As each of the individual states has made factual and legal representations and claims, we clearly have the right to engage with a representative of each Plaintiff *directly*. As a member of the leadership team, we ask that you facilitate our ability to do so by coordinating a day/time for a call that includes a AAG from each if the identified states.

We look forward to your timely response.

Thank you.

Neil S. Ende, Esq.
Managing Partner
Technology Law Group, LLC
nende@tlqdc.com
202-895-1707 (Office)
202-256-0120 (Mobile)
703-229-6741 PIN 854# (Voice Conference Bridge)

From: Nayer, Tracy
Date: Wednesday, April 2, 2025 at 10:51 AM
To: Greg Taylor , Neil Ende
Cc: Alyse.Meislik@azag.gov , Douglas Swetnam (IN AG) (douglas.swetnam@atg.in.gov) , Dylan Jones (AZ AG) (Dylan.Jones@azag.gov) , Erin Leahy (OH AG) (erin.leahy@ohioago.gov) , Laura Dilweg (AZ AG) (Laura.Dilweg@azag.gov) , Michel Singer Nelson (CO AG) (michel.singernelson@coag.gov) , Sarah Pelton (AZ AG) (Sarah.Pelton@azag.gov) , Sparko, Rochelle , Thomas Martindale (IN AG) (Thomas.Martindale@atg.in.gov)
Subject: RE: Plaintiffs' First Request for Production to Avid Telecom

Thank you for your response, Greg. At this time, Plaintiffs can agree to enlarge the date responses are due to Plaintiffs' First Set of Requests for Production to Avid Telecom to Friday, April 11.

 **Tracy Nayer**
Special Deputy Attorney General
Consumer Protection Division
North Carolina Department of Justice
(919) 716-6581
tnayer@ncdoj.gov
Post Office Box 629, Raleigh, NC 27602
114 West Edenton Street, Raleigh, NC 27603
<https://ncdoj.gov/>

Please note messages to or from this address may be public records.

From: Greg Taylor
Sent: Monday, March 31, 2025 2:40 PM
To: Erin Leahy ; Neil Ende

Cc: Nayer, Tracy ; Sparko, Rochelle ; Michel Singer Nelson ; Swetnam, Douglas ; Meislik, Alyse ; Jones, Dylan ; Dilweg, Laura ; Pelton, Sarah ; Martindale, Thomas L

Subject: Re: Plaintiffs' First Request for Production to Avid Telecom

Erin:

Apologies for the late reply.

We are working diligently to provide responses to the voluminous requests. Despite our efforts, we are still in the process of gathering documents that still need to be reviewed for privilege, etc.

We ask to amend our response date to April 30 to give us time to fully respond to your requests.

Please confirm your agreement with the forgoing.

Best,
Greg

From: Erin Leahy <erin.leahy@OhioAGO.gov>

Date: Monday, March 31, 2025 at 12:08 PM

To: Neil Ende <nende@tlgdc.com>, Greg Taylor <gtaylor@tlgdc.com>

Cc: "Nayer, Tracy" <Tnayer@ncdoj.gov>, "Sparko, Rochelle" <rsparko@ncdoj.gov>, Michel Singer Nelson <michel.singernelson@coag.gov>, "Swetnam, Douglas" <Douglas.Swetnam@atg.in.gov>, "Meislik, Alyse" <Alyse.Meislik@azag.gov>, "Jones, Dylan" <Dylan.Jones@azag.gov>, "Dilweg, Laura" <ldilweg@azag.gov>, "Pelton, Sarah" <Sarah.Pelton@azag.gov>, "Martindale, Thomas L" <Thomas.Martindale@atg.in.gov>

Subject: RE: Plaintiffs' First Request for Production to Avid Telecom

Hello Neil and Greg,

I have not received a response to my email below regarding the overdue discovery responses from Avid Telecom. Please provide an update.

Sincerely,

<image003.png> Erin B. Leahy
Senior Assistant Attorney General
Consumer Protection Section
Office of Ohio Attorney General Dave Yost
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Office number: 614-752-4730

Fax number: 866-768-2648

Erin.Leahy@OhioAGO.gov

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prohibited. If you have received this communication in error, please notify me immediately by telephone.

From: Erin Leahy

Sent: Wednesday, March 26, 2025 5:02 PM

To: Neil Ende <nende@tlgdc.com>; gtaylor@tlgdc.com

Cc: Nayer, Tracy <Tnayer@ncdoj.gov>; Sparko, Rochelle <rsparko@ncdoj.gov>; Michel Singer Nelson <michel.singernelson@coag.gov>; Swetnam, Douglas <Douglas.Swetnam@atg.in.gov>; Meislik, Alyse <Alyse.Meislik@azag.gov>; Jones, Dylan <Dylan.Jones@azag.gov>; Dilweg, Laura <ldilweg@azag.gov>; Pelton, Sarah <Sarah.Pelton@azag.gov>; Martindale, Thomas L <Thomas.Martindale@atg.in.gov>

Subject: RE: Plaintiffs' First Request for Production to Avid Telecom

Good afternoon Neil and Greg,

We have not received written responses to the Plaintiffs' First Set of Requests for Production to Avid Telecom which were served on February 21, 2025. The responses were due Monday, March 24, 2025.

Please provide the responses at your earliest convenience.

Sincerely,

<image003.png> Erin B. Leahy
Senior Assistant Attorney General
Consumer Protection Section
Office of Ohio Attorney General Dave Yost
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Office number: 614-752-4730

Fax number: 866-768-2648

Erin.Leahy@OhioAGO.gov

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From: Martindale, Thomas L <Thomas.Martindale@atg.in.gov>

Sent: Friday, February 21, 2025 12:39 PM

To: Neil Ende <nende@tlgdc.com>; gtaylor@tlgdc.com

Cc: Nayer, Tracy <Tnayer@ncdoj.gov>; Erin Leahy <erin.leahy@OhioAGO.gov>; Sparko, Rochelle <rsparko@ncdoj.gov>; Patrick Crotty <Patrick.Crotty@MyFloridaLegal.com>; Michel Singer Nelson

<[michel.singernelson@coag.gov](mailto:Michel.Singernelson@coag.gov)>; Swetnam, Douglas <Douglas.Swetnam@atg.in.gov>; Meislik, Alyse <Alyse.Meislik@azag.gov>; Jones, Dylan <Dylan.Jones@azag.gov>; Dilweg, Laura <ldilweg@azag.gov>; Pelton, Sarah <Sarah.Pelton@azag.gov>; Martindale, Thomas L <Thomas.Martindale@atg.in.gov>
Subject: Plaintiffs' First Request for Production to Avid Telecom

Good afternoon,

Attached you will find Plaintiffs' First Request for Production to Avid Telecom. Please respond with your production within 30 days. If physical production is necessary, please provide that to the Arizona Attorney General's Office.

Thank you, Tom

Thomas Martindale

Deputy Attorney General

Data Privacy & Identity Theft Unit

Consumer Protection Division

Office of Attorney General Todd Rokita

302 West Washington Street, IGCS 5th Floor

Indianapolis, IN 46204

p: (317)232-7751 | f: (317)232-7979

thomas.martindale@atg.in.gov

Exhibit UU

Pelton, Sarah

From: Greg Taylor <gtaylor@tlgdc.com>
Sent: Friday, July 11, 2025 1:26 PM
To: Dillon IV, John
Cc: Tracy Nayer; Martindale Thomas L; Swetnam Douglas; Singer Nelson Michel; Sparko Rochelle; Dilweg, Laura; Pelton, Sarah; Erin Leahy; Meislik, Alyse; Jones, Dylan; Trombley, Nikki; Neil Ende
Subject: Re: CV 23-233 Arizona, et al., v Lansky, et al. - Meet and Confer Re Plaintiffs' First Set of Requests for Production

John:

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As far as I know (I was in the hospital during that period), with the agreed extensions, the three responses were timely served. If you have different understanding, please let me know.

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Date: Wednesday, July 9, 2025 at 6:35 PM
To: Greg Taylor <gtaylor@tlgdc.com>
Cc: Tracy Nayer <Tnayer@ncdoj.gov>, Martindale Thomas L <Thomas.Martindale@atg.in.gov>, Swetnam Douglas <douglas.swetnam@atg.in.gov>, Singer Nelson Michel <michel.singernelson@coag.gov>, Sparko Rochelle <rsparko@ncdoj.gov>, "Dilweg, Laura" <Laura.Dilweg@azag.gov>, "Pelton, Sarah" <Sarah.Pelton@azag.gov>, Erin Leahy <erin.leahy@OhioAGO.gov>, "Meislik, Alyse" <Alyse.Meislik@azag.gov>, "Jones, Dylan" <Dylan.Jones@azag.gov>, "Trombley, Nikki" <Nikki.Trombley@azag.gov>, Neil Ende <nende@tlgdc.com>

Subject: RE: CV 23-233 Arizona, et al., v Lansky, et al. - Meet and Confer Re Plaintiffs' First Set of Requests for Production

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2. Defense counsel will provide Defendant Michael Lansky's supplemental responses to Plaintiffs' First Set of Requests for Production by close of business Tuesday, July 15, 2025.
3. Plaintiffs' deadline to bring Motions to Compel will be Thursday, July 31, 2025.

Regards,

John Raymond Dillon IV
Senior Litigation Counsel



Arizona Attorney General Kris
Mayes
2005 N. Central Ave.
Phoenix, AZ 85004
Desk: 602-542-7732
John.DillonIV@azag.gov
<http://www.azag.gov>

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From: Greg Taylor <gtaylor@tlgdc.com>

Sent: Wednesday, July 9, 2025 2:06 PM

To: Dillon IV, John <John.DillonIV@azag.gov>

Cc: Tracy Nayer <Tnayer@ncdoj.gov>; Martindale Thomas L <Thomas.Martindale@atg.in.gov>; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Sparko Rochelle <rsparko@ncdoj.gov>; Dilweg, Laura <Laura.Dilweg@azag.gov>; Pelton, Sarah <Sarah.Pelton@azag.gov>; Erin Leahy <erin.leahy@OhioAGO.gov>; Meislik, Alyse <Alyse.Meislik@azag.gov>; Jones, Dylan <Dylan.Jones@azag.gov>; Trombley, Nikki <Nikki.Trombley@azag.gov>; Neil Ende

<nende@tlgdc.com>

Subject: Re: CV 23-233 Arizona, et al., v Lansky, et al. - Meet and Confer Re Plaintiffs' First Set of Requests for Production

John:

In our call today I promised to have a response for you by COB re when to expect the share-file for the document download from Defendants.

It did not occur to me until a few minutes ago that I will be out of the office tomorrow for an outpatient procedure. I should return home tomorrow, but it may not be before COB.

I've already sent the email requesting the file. I expect to hear something today or tomorrow. If, however, I have not heard from Chris before I need to leave, I will need to follow up with you after COB (but presumably still tomorrow).

Apologies for not remembering that during our call.

Best,
Greg Taylor, of Counsel
Technology Law Group, LLC
80 E. Fifth St. | Second Floor | Edmond, OK 73034
T: +1 405.896.2266 | F: +1 405.701.6174
gtaylor@tlgdc.com | LinkedIn: Greg Taylor | Twitter: @telcoatty



Greg Taylor
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Exhibit VV

Pelton, Sarah

From: Greg Taylor <gtaylor@tlgdc.com>
Sent: Thursday, July 24, 2025 7:09 PM
To: Dillon IV, John
Cc: Tracy Nayer; Martindale Thomas L; Swetnam Douglas; Singer Nelson Michel; Sparko Rochelle; Dilweg, Laura; Pelton, Sarah; Erin Leahy; Meislik, Alyse; Jones, Dylan; Trombley, Nikki; Neil Ende
Subject: Re: CV 23-233 Arizona, et al., v Lansky, et al. - Meet and Confer Re Plaintiffs' First Set of Requests for Production

John & Erin:

I have been out of the office most of the week. I am writing to let you know we plan to upload another batch of (non-privileged) documents next week following our review.

Best,
 Greg

From: "Dillon IV, John" <John.DillonIV@azag.gov>
Date: Monday, July 21, 2025 at 6:16 PM
To: Greg Taylor <gtaylor@tlgdc.com>
Cc: Tracy Nayer <Tnayer@ncdoj.gov>, Martindale Thomas L <Thomas.Martindale@atg.in.gov>, Swetnam Douglas <douglas.swetnam@atg.in.gov>, Singer Nelson Michel <michel.singernelson@coag.gov>, Sparko Rochelle <rsparko@ncdoj.gov>, "Dilweg, Laura" <Laura.Dilweg@azag.gov>, "Pelton, Sarah" <Sarah.Pelton@azag.gov>, Erin Leahy <erin.leahy@OhioAGO.gov>, "Meislik, Alyse" <Alyse.Meislik@azag.gov>, "Jones, Dylan" <Dylan.Jones@azag.gov>, "Trombley, Nikki" <Nikki.Trombley@azag.gov>, Neil Ende <nende@tlgdc.com>
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Greg,

Regarding the document requests served on Defendant Lansky, Plaintiffs served **106** Requests for Production, not 103 as you suggested. Furthermore, Defendant Lansky declined to produced documents for **27** of the Requests, not nine. The 27 Responses included only objections and had no language indicating (a) Defendant Lansky would produce responsive documents notwithstanding the objections or (b) opposing counsel wanted to meet and confer as to that specific Request. As such, Defendant Lansky agreed to produce documents in response to only **79** of the 106 Requests.

Additionally, after having briefly reviewed the document production, there are several deficiencies that are not in compliance with the ESI Order the Court entered on July 10, 2025 that call for immediate correction. Below is a summary of the most egregious discrepancies:

- No documents provided were marked with Bates numbers (ESI Order Appendix A, Paragraph A.14).
- There is no indication of which documents are responsive to which Requests (Federal Rule of Civil Procedure 34(b)(2)(E)(i) and ESI Order Section A(2)).
- Documents with a parent-child relationship to certain produced documents were not produced (e.g. Document titled "RE_Traceback.msg" in the "Telecast" folder referencing having received "the below

traceback” and the production did not include corresponding traceback information referenced in the document) (ESI Order Appendix A, Paragraph A.4).

- Image documents, some of which appear to be images from an enterprise database, were not produced as TIFF files or exported as Excel or Access files as indicated in the order (see ESI Order Section B(3) and Appendix A), the following files were produced as png files:
 - 2025.07.11_Avid Production.zip//Modok KYC.png
 - 2025.07.11_Avid Production.zip//Trixcom KYC.png
 - 2025.07.11_Avid Production.zip//Telecom Carrier Access KYC.png
 - 2025.07.11_Avid Production.zip//Global Voicecom KYC.png
 - 2025.07.11_Avid Production.zip//Third Rock KYC.png
 - 2025.07.11_Avid Production.zip//BL Marketing - Voip Terminator KYC.png
 - 2025.07.11_Avid Production.zip//Yodel KYC.png
 - 2025.07.11_Avid Production.zip//DMS Traceback Opt Ins/Screenshot 2022-10-03 113255.png
 - 2025.07.11_Avid Production.zip//DMS Traceback Opt Ins/URL 10589.png
 - 2025.07.11_Avid Production.zip//DMS Traceback Opt Ins/Screenshot URL 2022-10-03 104941 10576.png
- The metadata on select documents reveal the documents were created after the filing of this action and/or recently created. For example, the document titled “Avid Telecom Standard Rates Terms of Agreement” was created 6/22/2025 and “Avid Telecom Policies and Procedures” was created 8/29/2022; Plaintiffs’ discovery demands seek records during the relevant period of five years prior to the filing of the Complaint through the present, if there are versions of those documents that served to document terms of agreements with customers prior to 6/22/2025 or Avid’s policies and procedures prior to 8/29/2022, produce those document(s).

Finally, as admitted by your co-counsel (email attached), only Defendant Lansky’s responses were served. We thus expect to receive the long-overdue written Responses without objections from Defendant Avid Telecom and Defendant Stacey Reeves by the end of the day today, July 21, 2025.

Regards,

John Raymond Dillon IV
Senior Litigation Counsel



Arizona Attorney General Kris
Mayes
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Phoenix, AZ 85004
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T: +1 405.896.2266 | F: +1 405.701.6174
gtaylor@tlgdc.com | LinkedIn: Greg Taylor | Twitter: @telcoatty



Greg Taylor
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